United Nations E/C.2/2002/3/Add.1

Economic and Social Council

Distr.: General
8 November 2002
English
Original: French

Committee on Non-Governmental Organizations
2002 resumed session
8-24 January 2003
Agenda item 8
Consideration of special reports

Special reports

Note by the Secretary-General

Addendum

I. Introduction

1. The Committee on Non-Governmental Organizations, at its 2002 regular session held from 13 to 30 May 2002, considered the special reports submitted by France Libertés: Fondation Danielle Mitterand and the Movement against Racism and for Friendship among Peoples, as well as a complaint lodged against the Transnational Radical Party (see E/2002/71 (Part II), sect. VII).

II. France Libertés: Fondation Danielle Mitterand

2. At its 2002 regular session, the Committee requested France Libertés: Fondation Danielle Mitterand to submit a supplementary special report for the consideration of the Committee at its 2002 resumed session. A reminder was sent to the organization on 19 August 2002 and on 6 November 2002.

III. Movement against Racism and for Friendship among Peoples

Background

3. The Movement against Racism and for Friendship among Peoples is an international non-governmental organization in consultative status with the Economic and Social Council (Roster) since 1974.

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4. At the 2001 regular session of the Committee on Non-Governmental Organizations, the representative of the Islamic Republic of Iran lodged formal complaints against five non-governmental organizations, of which the Movement against Racism and for Friendship among Peoples was the second

5. The grounds for the complaint against the organization was that it had provided the opportunity to individuals who were members of the Modjahedin Khalgh Organization/National Council of Resistance (MKO/NCR), a movement considered a terrorist organization by the Islamic Republic of Iran, to take part in the fifty-seventh session of the Commission on Human Rights (see E/2001/86, paras. 111-112).

6. At its 2001 regular session, the Committee requested the organization to present a special report on the issues brought to the attention of the Committee by the Islamic Republic of Iran. The Secretariat transmitted the request for the special report to the Movement against Racism and for Friendship among Peoples.

7. The special report of the organization (E/C.2/2001/3/Add.2), sect. VI was reviewed by the Committee at its 2001 resumed session.

8. The representative of the Islamic Republic of Iran expressed his dissatisfaction with the special report and provided additional information on the participation of MKO/NCR members at the fifty-seventh session of the Commission on Human Rights and in the Third Committee of the General Assembly. He requested that a further special report be prepared, based on the additional information provided. The Committee decided to request Movement against Racism and for Friendship among Peoples to submit an additional special report.

9. The Committee reviewed the additional special report (E/C.2/2002/3, sect. IV) at its 2002 regular session and decided to request the Movement against Racism and for Friendship among Peoples to submit a further additional special report specifically addressing the incident that had given rise to the complaint and clearly indicating that the organization understood and took responsibility for its violation of consultative status.

10. The Committee also decided to request the organization to submit a declaration of good faith, clearly acknowledging and apologizing for the error of judgement in using its privilege to accredit MKO/NCR and giving a firm assurance that it would not in the future provide such assistance to that organization or to any other with known terrorist affiliations or an agenda contrary to the territorial integrity or security of Member States.

11. Pursuant to the above request, the Movement against Racism and for Friendship among Peoples submitted a further additional special report on 30 May 2002 (see below).

[Original: French]
[30 May 2002]

Further additional special report submitted by the Movement against Racism and for Friendship among Peoples

We are concerned about the complaint by the Islamic Republic of Iran. We transmitted two successive documents about this outlining our point of view.

We are surprised by the insistence of the Islamic Republic of Iran, which is seeking a commitment from us not to grant accreditation to persons known to be opponents of the current regime in Iran. We wish to make a few comments in this regard.

(a) This request significantly broadens the scope of the initial complaint, which concerned named individuals known for their affiliation with the Modjahedin Khalgh Organization (MKO); what is also at issue here, however, is the National Council of Resistance in Iran (NCR), and even all persons known to be affiliated with it and organizations whose programme is contrary to the integrity and security of Member States.

Such a definition is infinitely expandable in practice; it could be applied to any organization which extends an invitation to persons held to be subversive by one State or another.

(b) This would be an unprecedented practice in the United Nations; in any event, we have not seen it applied while we have held observer status. And yet, among our delegates there have been many "subversive" opponents. To name but a few:

(i) Mr. Etienne Tshisekedi, former chief of the Zairian opposition;

(ii) Mr. José Ramos Horta, now a government minister in independent Timor-Leste;

(iii) Mr. Jusfiq Hadjar, a human rights activist in Indonesia.

In terms of the latter two individuals, Indonesia never objected in principle to their presence. In terms of groups, we frequently have among us members of the Frente POLISARIO, or Kurds from Turkey. Neither Morocco nor Turkey, which exercise their right of reply each time with great alacrity, has challenged our right to support these groups for which they feel keen antipathy, to say the least.

Over 10 years ago, moreover, we welcomed a very well-known human rights activist from Kosovo, a former government minister in autonomous Kosovo, who has become a minister again since the war. We are referring to our friend Professor Ymer Jaka. Not only did this not put us at odds with the Serbian delegation; it led to extensive discussions with them. That was a time when peace could be won.

These States, therefore, did not complain, and they were right. There was no hint of a violation of article 37 of the rules of procedure of the Economic and Social Council in the Movement's activities in the Commission and the Subcommission, and there is none today.

(c) If we were to follow the logic implied by the Islamic Republic of Iran, non-governmental organizations would have to come to an agreement with States before deciding to talk about human rights violations in one place or another.

That would be the end of the independence of non-governmental organizations. Such independence is nonetheless beneficial to the entire United Nations system in every respect, for discussions of human rights can help to improve political relations. We saw this during the cold war, and it is still relevant, as shown by former President Carter's activities.

Our own Government, the authorities of the European Union, have never asked us to water down our criticism, which is often rather scathing as regards their immigration and asylum policy.

In this world of ours, racked by serious tensions, where so much suffering is inflicted on so many people in so many countries, the mission of non-governmental organizations cannot and should not be sugar-coated. Human rights are too important to be subject to outside political pressures. We repeat: the Movement has never mingled the defence of human rights with what is called politics. This can and should be done with respect for the obligations of all parties.

We are certain that what we have outlined here is a philosophy common to the vast majority of non-governmental organizations. We will not make the commitment sought by the Islamic Republic of Iran.

IV. Transnational Radical Party

Background

12. The Transnational Radical Party is an international non-governmental organization in general consultative status with the Economic and Social Council since 1995. At its 2002 regular session, the Committee requested the organization to present a special report on the issues brought to the attention of the Committee by the representative of Viet Nam. The Secretariat transmitted that request to the Transnational Radical Party.

13. The grounds for the complaint by Viet Nam was that the organization had provided accreditation to individuals who were members of the Montagnard Foundation, Inc., a movement considered a terrorist organization by Viet Nam, to take part in the fifty-eighth session of the Commission on Human Rights.

14. The Transnational Radical Party submitted the requested report on 30 October 2002.

Special report submitted by the Transnational Radical Party

In compliance with a request received on 22 May 2002 from the Committee on Non-Governmental Organizations, to prepare a "special report" triggered by a speech delivered by Mr. Kok Ksor, one of the members of the delegation of the Transnational Radical Party (TRP) to the fifty-eighth session of the Commission on Human Rights, TRP wishes to submit the following:

TRP firmly rejects all the allegations made by the delegation of Viet Nam to the United Nations; moreover, TRP wishes to bring to the attention of the members of the Committee all of the correspondence exchanged, both in Geneva and in New York, between the interested parties, which comprises:*

- Letter dated 12 April 2002 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Chairperson of the fifty-eighth session of the Commission on Human Rights (E/CN.4/2002/176);
- Letter dated 23 April 2002 from the Chairman of the fifty-eighth session of the Commission on Human Rights addressed to the Permanent Representative of the Socialist Republic of Viet Nam;
- Letter dated 30 April 2002 from the Secretary of the Commission on Human Rights addressed to the representative of the Transnational Radical Party at Geneva;
- Letter dated 15 May 2002 from the Chairperson of the Committee on Non-Governmental Organization addressed to all members of the Committee;
- Letter dated 22 May 2002 from the Chief of the Non-Governmental Organizations Section, Department of Economic and Social Affairs, addressed to the representative of the Transnational Radical Party at Geneva;
- Letter dated 23 May 2002 from the representative of the Transnational Radical Party to the United Nations addressed to the Chief of the Non-Governmental Organizations Section, Department of Economic and Social Affairs.

TRP wishes to reiterate that, in May, its representative to the United Nations, Mr. Marco Perduca, brought to the attention of the secretariat of the Committee the fact that one very important piece of information was missing from the documentation annexed to the Vietnamese complaint.

TRP believes that, had the letter from the Chairman of the Commission on Human Rights been circulated promptly, the Committee would have immediately been in a position to address and resolve the Vietnamese complaint at its May meeting.

As regards TRP procedures and criteria for accreditation of individuals to United Nations meetings, TRP wishes to submit that Mr. Kok Ksor joined TRP at the beginning of 2002, becoming a member of the organization after having participated on behalf of his organization, the Montagnard Foundation, Inc. (MFI), in various United Nations meetings on indigenous issues and after having been a member of the TRP delegation to the Commission on Human Rights and its Subcommission in 2001 and 2002 and the meetings of the Committee on the Elimination of Racial Discrimination held in Geneva in 2001.

TRP accredited Mr. Ksor to the above-mentioned United Nations meetings, trusting his knowledge and expertise concerning the history of the hill tribes of South-East Asia and their living conditions in Viet Nam. Mr. Ksor has also collaborated with other non-governmental organizations affiliated with the United Nations and has been considered a reliable source of information by several international organizations and the media.

* The material will be made available to the members of the Committee.

TRP wishes to submit that, prior to his affiliation with TRP, Mr. Ksor contributed to the activities of the working group on indigenous peoples coordinated by Professor Erica-Irene Daes on behalf of MFI since 1993. Contrary to what was stated by the representative of Viet Nam, it appears that Mr. Ksor, who at that time was accredited as the representative of MFI and not of TRP, has not hampered the work of the United Nations, but advanced the preparations for the permanent forum on indigenous peoples that met for the first time in May 2002 at United Nations Headquarters.

As regards the allegations made by the representative of Viet Nam on the nature of some of the partners of TRP, to the best of the organization's knowledge, Mr. Kok Ksor is not a terrorist and MFI is not an arm of a larger terrorist organization abbreviated as FULRO (le Front unifié pour la libération des races opprimées).

In fact, Mr. Ksor is a retired citizen of the United States of America who migrated to that country in the 1970s and has lived a committed and peaceful life ever since. MFI is a private, not-for-profit organization incorporated in South Carolina, United States of America, whose mission is to preserve the lives and the culture of the indigenous Montagnard people of Viet Nam's central highlands. Mr. Ksor has also attended indigenous rights training in Greenland, organized by the United Nations Working Group on Indigenous Populations.

In regard to the allegations on the activities of MFI and FULRO, two groups that are not formally linked with TRP, to the best of the organization's knowledge, there is no evidence of those violent acts, and no international arrest warrants have been issued in that regard. In reference to this, TRP wishes to quote the respected non-governmental organization, Human Rights Watch, which stated in its April 2002 report entitled "Repression of Montagnards" that, while many MFI members, and highlanders in general, are former FULRO supporters, there is no indication that there was any armed component to MFI efforts and, to the knowledge of Human Rights Watch, MFI has never advocated the use of violence as a means of achieving independence.

TRP submits that any additional information on the group can be retrieved at www.montagnard-foundation.org.